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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,413	11/06/2000	Ramkumar Subramanian	E0794	9964

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EXAMINER

CIRIC, LJILJANA V

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/707,413**

Applicant(s)  
**Subramanian et al.**

Examiner  
**Ljiljana V. Ciric** *ARC*

Art Unit  
**3743**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 4, 2002 and May 14, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 6, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

Art Unit: 3743

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of the invention of Group I, corresponding to claims 1 through 8 and 21, in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 9 through 20 are thus withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected Groups II, III, and IV, there being no allowable generic or linking claim. Election was made without proper traverse in Paper No. 7.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following feature must be shown or the feature(s) canceled from the claim(s): the baffle against which the fluid is directed as cited in claim 8; . No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 3743

***Specification***

4. The abstract of the disclosure is objected to because it does not avoid phrases which can be implied (i.e., "According to the invention..."). Correction is required. See MPEP § 608.01(b).

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no antecedent basis in the specification for the term "baffle" as recited in claim 8.

***Claim Objections***

6. Claims 1 through 8 and 21 are objected to because of the following informalities: "said" system" should be inserted immediately preceding "comprising" [claim 1, line 1; claim 21, line 1] for improved readability; "that controls" [claim 1, line 8] should be replaced with "for controlling"; and, "for" should be inserted immediately preceding "controlling" [claim 5, line 1]. Appropriate correction is required.

***Claim Rejections - 35 U.S.C. § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 8 and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 3743

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 recites a baffle, yet no such baffle is described in the originally filed specification nor shown in the originally filed drawings. Claim 21 recites a first sub-system and a second sub-system, yet the originally filed specification and drawings fail to further define which elements and/or which structure corresponds to each of these sub-systems.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 through 8 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what particular structure, if any, corresponds to the limitation “adapted to receive one or more coated semiconductor substrates” [claim 1, lines 2-3], thereby rendering indefinite the scope of protection sought.

There is insufficient antecedent basis in the claims for the following limitations, for example: “the flow of fluid” [claim 1, line 6]--note that the fluid flow is not inherent--recommend replacing with “a flow of fluid”.

Claims 1 through 8 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structural cooperative relationships among

Art Unit: 3743

the chamber, the coupling, the reservoir, the inlet valve, and the controller as cited in claim 1; and, the structural cooperative relationships between the first sub-system and the second sub-system as cited in claim 21.

With regard to claim 8 as written, it is not clear whether or not the baffle cited in line 2 of the claim is or is not being positively recited, rendering the claim indefinite with regard to the scope of protection sought.

As claimed, it is not clear which particular structure and/or which particular elements correspond to the first sub-system and to the second sub-system as cited in claim 21, thus rendering the claim indefinite with regard to the scope of protection sought.

The above is an indicative, but not necessarily an exhaustive, list of 35 U.S.C. 112, second paragraph, problems. Applicant is therefore advised to carefully review all of the claims for additional problems. Correction is required of all of the 35 U.S.C. 112, second paragraph problems, whether or not these were particularly pointed out above.

***Claim Rejections - 35 U.S.C. § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. As best can be understood in view of the indefiniteness of the claims, claims 1 through 8 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Sikes*.

Art Unit: 3743

*Sikes* discloses a system for cooling semiconductor processing devices essentially as claimed, including a chamber 12, gas supply tanks 14 which read on the reservoir as claimed, an inlet valve that is inherent to the gas control panel 18 and associated structures, a controller 20, and an outlet valve 38. Chiller 32 reads broadly on the first sub-system, whereas the remainder of the system reads broadly on the second sub-system as claimed. Little or no patentable weight is given to various functional language in the apparatus claims.

The reference thus reads on the claims.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925. While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached on (703) 308-0101. The fax phone number is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

July 12, 2002

  
**LJILJANA CIRIC**  
**PATENT EXAMINER**